

REMARKS

Applicants thank Examiner Mohandesi for the courtesies extended to their undersigned representative, Donald Lepiane, Esq., during the telephone interview on September 7, 2005, at which time the features of claim 17 were discussed. The features of claim 17 discussed by the undersigned during the interview are discussed herein.

Claims 1-16 are in the instant application. Claims 6-9, 11-13, and 16 are canceled, without prejudice, as being directed to a non-elected invention. Claims 1, 2, 10, 14 and 15 are canceled, without prejudice, to reduce the issues. Claims 3, 4, and 5 are amended to depend from, and to be consistent with, independent claim 17. Claims 18-20 are amended to be consistent with independent claim 17. New claims 21-24, dependent on claim 17, are added to set forth Applicants' patentably novel eye drop container in varying scope. Applicants show below that claim 17 is patentably novel over the art; therefore, any claims dependent thereon are patentable over the art and no further search is required. No claims are allowed or indicated as allowable.

Claims 17-20 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, obvious under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,076,474 to Hanson (hereinafter "Hanson").

Applicants respectfully traverse the rejection of claims 17-20 as being anticipated by or, in the alternative, as being obvious in view of Hanson.

Claims 18-20 are amended to be consistent with independent claim 17. Support for the amendments to claims 18-20 is found, among other places, in the pending claims. Based on the foregoing, Applicants respectfully request admittance of the amendments to claims 18-20 and reconsideration of claims 17-20.

The Office Action alleges that Hansen discloses an eye dropper container including a bottomed conical hollow formed in the tip end of the container body formed from a heat-sealable synthetic resin material with a liquid filled and sealed therein, and concludes by alleging that the hollow has an inside diameter enlarging toward the tip end and a small-diameter instilling hole penetrated through a bottom of the hollow for controlling, at a set quantity, the liquid pushed out of the container body. The Office Action refers Applicants to Figs. 1-2 of Hanson.

Applicants respectfully submit that even if the above allegations of the Office Action are correct, Hanson does not anticipate or render obvious Applicants' eye drop

container recited in claim 17. More particularly, claim 17 recites, among other things, a first hollow body segment having an external surface and an opposite internal circular surface, with the internal circular surface having decreasing diameter as the distance from the tip end decreases; and a second body segment extending from the tip end into the first segment, the second segment having an outside circular surface and an opposite internal surface, with the internal surfaces of the first and second segments facing one another, spaced from one another, and the external surface of the second segment having increasing diameter as the distance from the tip end decreases.

There is no disclosure in Hanson of, among other things, a second hollow body segment extending into a first hollow body segment. Hanson only teaches one body segment. Further, there is no teaching in Hanson of an inner surface of a first body segment spaced from the inner surface of a second body segment. Hanson in Fig. 2 teaches a dispensing section having a segment 8 having a passageway 8'. There is no teaching in Hanson, as recited in Applicants' claim 17, of a dispensing section having, among other things, a first body segment and a second body segment; a first hollow body segment having an external surface and an opposite internal circular surface; and a second body segment extending from the tip end into the first segment, the second segment having an outside circular surface and an opposite internal surface, with the internal surfaces of the first and second segments facing one another, spaced from one another, and the external surface of the second segment having increasing diameter as the distance from the tip end decreases.

Since Hanson fails to teach the features of Applicants' patentably novel dispensing body portion, Hanson cannot anticipate or render obvious Applicants' claims 17-20.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 17-20 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious in view of Hanson and request allowance of claims 17-20.

Claims 3, 4, and 5 are amended to depend from claim 17. Support for the amendments to claims 3, 4, and 5 is found, among other places, in the pending claims.

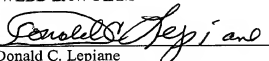
New claims 21-24 are dependent on claim 17. Support for new claims 21-24 is found, among other places, in the originally filed claims and on page 11, lines 20-24 of the application. The argument put forth, among others, to patentably distinguish claim 17 over

Hansen is applicable, among others, to patentably distinguish claims 3-5 and 21-24 over similar art. During the telephone interview, the undersigned indicated that claim 17 is patentable over the art and, therefore, adding dependent claims to an allowed claim would not require an additional search.

Based on the foregoing, Applicants respectfully request admittance, consideration, and allowance of claims 3-5 and 21-24.

This Amendment represents a sincere effort to place this case in condition for allowance. In the event issues remain, the Examiner is invited to call the undersigned before further action is taken on the case.

Respectfully submitted,
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